

Carlisle Conservation Commission

Minutes

9/27/12

Approved: 10/26/2012

Chair Kelly Guarino opened the meeting at 7:23 PM. In addition to Guarino, Vice Chair Luke Ascolillo and members Tom Brown, Tom Brownrigg, Peter Burn, Jenifer Bush, Lee Tatistcheff, and Conservation Administrator Sylvia Willard were present.

7:30 – 8:00 PM Bills, General Agenda Items, and New/Pending or Old Business

Minutes – The minutes of 4/09/12, 9/30/10, 10/14/10, and 5/12/11 were approved; all voted in favor except for Brown and Tatistcheff, who abstained. The minutes of 7/19/12 were approved; all voted in favor. The minutes of 8/16/12 were approved; all voted in favor except for Brown, who abstained.

Curve St. Dam – Guarino asked Willard about the status of the Curve St. Dam; the state Office of Dam Safety considers this a safety hazard and wants the town to rebuild the dam. Willard reported that she did a review of the file on the matter some time ago and concluded that the town had not yet been told to conduct further studies. She said that she would review the file again.

Greenough Land & Barn – Willard has been contacted by Billerica residents who are concerned about use of the barn by youth and other related safety hazards. The barn is deteriorating and is both a structural and a fire hazard. Carlisle Police Chief Fisher has reported to Willard that his department spends considerable resources checking the barn area. Guarino presented several options: (1) talk with Chief Fisher and ask him if it would help if the barn were demolished; (2) try to establish a presence at the barn, guided by discussions with concerned Billerica residents (one possibility would be a community garden there); (3) try to find someone to use the barn. The last option came up about a year ago as the site for a possible carpentry shop, but no progress has been reported. Guarino volunteered to speak with Chief Fisher and also with John Gorecki, the Greenough representative on the BOS.

Debbie Geltner and Warren Lyman of the Land Stewardship Committee (LSC) were present in the audience. Lyman stated that in his opinion, it is very unlikely that the barn will be fixed up, and should be torn down. He suggested that the field where the caretaker's cottage was located could be used as a picnic pavilion. Geltner asked whether any parts of the barn could be recycled. She also asked if Chief Fisher and Gary Davis could give an estimate of their time and cost to their departments. Willard suggested that this topic could be on the agenda for the upcoming meeting of all conservation boards and organizations on Oct. 29. Guarino agreed that this would be a good topic and will contact Chief Fisher, Gary Davis, and John Gorecki.

8:00 – 8:15 PM Boy Scouts, LSC, and Invasive Plant control projects

Boy Scout leaders Don Drinkwater and Drew Kissinger, and Boy Scout Michael Drinkwater were present for discussion. Michael Drinkwater explained that he is interested in an Eagle Scout project, and thought that the Conservation Commission would favor a project involving removal

of invasive plant species. He and other scouts could remove invasive plants, and also plant native species. Guarino asked how many young people would be involved. Michael said that the scouts would be 13-14 years old, and that probably 12 scouts would work for two days, four or five hours per day. He has 1 ½ years to complete an Eagle Scout project, and would like to have a project decided this fall and for work to commence next spring. He prefers that the invasive plant removal take place along existing trails.

Geltner mentioned that Foss Farm has been the subject of a recent invasive plant removal project undertaken by Cisma (Cooperative Invasive Species Management Area), and that there are still many buckthorn saplings that scouts could remove by hand. Don Drinkwater asked about the use of chemicals (herbicides). Geltner said that Cisma obtained grant money that paid for licensed herbicide applicators. Only licensed applicators can apply pesticides and herbicides on conservation land. Kissinger thought that some of the scoutmasters could become licensed applicators. Guarino suggested that the Boy Scouts could also help with a town-wide “garlic mustard pull” envisioned for next spring; Kissinger thought that this was a good idea and would help coordinate the project with the scout troop. Don Drinkwater asked for contact information for Lynn Knight, the Cisma project manager for Foss Farm. After discussions with Knight, the scouts will have a better understanding of how they can contribute. Guarino thanked the scouts for their interest.

8:15 – 8:30 PM Notice of Intent, Continued Hearing DEP 125-0927. Applicant: Chantalle Nouvellon; Project Location: Lot 18A, 95 Hanover Rd.; Project Description: Construction of a single family home, including well, foundation drain, and associated grading.

According to Willard, the filing has been awaiting a file number and review by Natural Heritage & Endangered Species Program (NHESP), and both have now been received. Burn moved to close the public hearing, Tatistcheff seconded, and all voted in favor. Willard raised two issues concerning the work. First, she had noted that the haybales on some recent projects were staked such that they extended closer to the wetland than was justified by the plan. Second, she was concerned about a utility box remaining on the land and whether the permit should cover the removal of the box. After discussion, the commission decided to take no action on these items. Brown moved to issue a Standard Order of Conditions with two Special Conditions: (1) that wetland flags that are missing be reset before work begins and (2) issuance of a Continuing Condition that invasive plants can be removed by hand from the Buffer Zone as read by Commissioner Brown from a draft recently proposed by Willard. Burn seconded the motion and all voted in favor except for Ascolillo and Brownrigg, who abstained.

8:30 – 8:40 PM Notice of Intent, Continued Hearing DEP 125-0924. Applicant: Jonathan & Katherine Larrabee; Project Location: 19 Virginia Farme Rd.; Project Description: Installation of a three-bedroom septic system.

Willard stated that the filing has been awaiting approval by the Board of Health (BOH) on changes to the plan, and that the BOH has now approved these changes. Willard stated that she did not see invasive plants on the property. Brown moved to close the public hearing and Ascolillo seconded the motion. Bush moved to issue a Standard Order of Conditions referencing

the revised plan dated Sept. 13, 2012. Brown seconded the motion and all voted in favor, except for Ascolillo and Brownrigg, who abstained.

Notice of Intent, DEP 125-0924. Applicant: David Reed; Project Location: 90 Page Brook Rd.; Project Description: Installation of a ground-mounted solar photovoltaic array on five “ground screws”.

Guarino opened and then continued the hearing until the next meeting on the request of the applicant, who was not able to attend the meeting.

8:40 – 8:45 PM New/Pending Business, continued

Chelmsford Wells update

Ascolillo attended a recent meeting of the Chelmsford Conservation Commission and provided a summary. The Chelmsford Water District (CWD) presented at the meeting discussing why they needed additional water and why they would like the well to be located on the Barnes Terrace land in Chelmsford. According to Ascolillo, in recent years CWD has either come close to or actually exceeded the amount of water they are permitted to withdraw from the Merrimac River basin., Ascolillo said that one commissioner spoke in favor of permitting the well, and another member was in agreement; this seemed to be a shift in support from previous meetings. At a previous meeting, Carlisle special attorney Frank DiLuna requested a copy of the letter from the CWD attorney advising the Chelmsford commission; however, the copy DiLuna obtained was not very legible, and DiLuna has requested a better copy.

Ascolillo said that the CWD attorney is suggesting an unrecorded “right of first refusal” on land that includes the proposed well located on CWD property. Brownrigg said that he did not understand why the right of first refusal applies since the land that CWD is requesting would have to go through the Article 97 process to change ownership. Ascolillo said that he was not clear on why this was possible, but DiLuna is looking into it. Ascolillo said that the Chelmsford Commission did not take a vote on whether to approve the well, or whether to discuss it again at their next meeting. Burn asked whether Carlisle’s BOS have been involved, and Guarino said that selectman John Gorecki has been involved in the discussions. Geltner asked about the impact of the proposed well on the water supply of abutters. Willard stated that CWD had not filed an Environmental Notification Form with the state EPA, MEPA. Audience member Jack O’Connor asked if the CWD could extinguish Carlisle’s right to water (for use in the growing cranberries). Guarino thanked Ascolillo for attending the meeting and providing a helpful summary.

Notice of Intent, DEP 125-0929. Applicant: Rob West; Project Location: 220 Hanover Rd.; Project Description: Construction of portions of a home, grading, well, and conduits within the 100-foot Buffer Zone of a Bordering Vegetated Wetland.

Ben Ewing of Stamski & McNary was present representing the applicant, and provided an updated plan. According to Ewing, the BOH has reviewed and approved the plan. Bush and Brownrigg asked why the house could not be moved further out of the Buffer Zone and Ewing

said that the concern was that the turning radius of the driveway into the garage was already tight. Brownrigg asked whether a circular driveway was necessary, since it resulted in more impervious surface. Ewing said that the owners wanted a circular driveway and that the driveway is not in a jurisdictional area. Willard noted that some of the wetland flags are missing; Ewing said that these will be re-established. Burn moved to close the public hearing, Ascolillo seconded the motion, and all voted in favor. Brown moved to issue a Standard Order of Conditions referencing the plan of Sept. 27, 2012. Tatistcheff seconded the motion, and all voted in favor.

9:00 – 9:15 PM CCF: Steve Tobin, regarding Concord River access

Steve Tobin of the Carlisle Conservation Foundation (CCF) stated that Prema Bose has offered CCF a piece of land north of Bedford Rd. with access to the Concord River. The parcel is approximately 0.2 acre, and will probably be deeded to CCF by tomorrow. Brownrigg asked Tobin for a description of the parcel and was told it is wooded, with a berm, and has a steep slope down to the river. For this reason, people park uphill and walk to the river. Greg Peterson, present in the audience, said that US Fish & Wildlife has been interested in this parcel for many years, and that “senior people” wanted to prohibit public access from the parcel. Tobin’s question for the commission was whether the land should be owned by CCF or if ownership should be transferred to the town as it is very close to the Foss Farm Conservation Land. After discussion, the commission decided to think about this and discuss again at a later date.

9:15 – 9:30 PM Benfield Project (DEP- 1250878) procedures discussion; well, rock moving and DEP site visit update; Alan Carpenito, 493 South St.

Alan Carpenito explained that he attended a Conservation Commission meeting in 2010, and referred to the minutes of Oct. 28, 2010. Carpenito requested clarification on work allowed in wetlands if the land were under Chapter 61A. He consulted various sources and was told that filling wetlands required a permit even if the land were under Chapter 61A. He also asked if filling wetlands is subject to a statute of limitations. His concern is the road (cart path) that leads from South St. to the back field. Carpenito said that the Larsons (abutters) did not access by this road. The road now has crushed stone and synthetic fabric, and the latter was not available when Mr. Benfield purchased the land in 1953. Carpenito said that he can see places where boulders were removed from wetlands. He also said that trees were cut in the wetlands. Brownrigg asked where these trees were cut and Carpenito said that they were in an area to the right (south of) the observation platform; the trees were 3-4 in. diameter.

Willard stated that there is a state statute of limitations of three years for reporting violations of the Wetlands Protection Act after a property changes hands. Tatistcheff requested that Carpenito provide the commission with a written list of comments and questions. Carpenito stated that “no one on the commission questioned what had gone on” at Benfield. Willard said that in 2002, she and consultant John Rockwood of EcoTec, Inc. walked the Benfield property as part of an Abbreviated Notice of Resource Delineation wetlands delineation review. At that time she did not notice any serious disruption of the wetlands. Guarino said that the commission will draft a response addressing Mr. Carpenito’s concerns.

There followed a discussion regarding procedures once construction activities begin at Benfield. Willard spoke with Gary Bogue of DEP regarding these procedures, and was told that the Carlisle Conservation Commission is responsible for monitoring the Orders of Conditions, including the DEP's Superseding Orders. If there are any questions or concerns arise with regard to changes, Willard is to contact Gary Bogue.

Toby Kramer of Neighborhood of Affordable Housing (NOAH) was present to discuss the moving of the large boulder in the cart path on Sept. 12, 2012. She said that the boulder was too large for the excavator being used and the excavator went into the wetlands, and did some damage to the wetlands. Bush stated that rotating the boulder should have had less impact to the wetland, but in fact it resulted in more damage. Kramer explained that the boulder had to be moved a short distance in addition to being rotated, in order for the well-drilling trucks to clear the boulder. Kramer discussed the wetland restoration plan prepared by Mason & Associates, a consultant to NOAH. Willard said that Gary Bogue had reviewed the restoration plan and requested that monitoring this restoration area be added to the monitoring of the replication areas for monitoring over a period required. Brownrigg asked the name of the Wetland Scientist monitoring the replication areas, and Kramer said that it is Andrea Kendall of Mason & Associates, Inc..

Kramer reported that the well drillers have completed a 10-day test period during which water samples are taken for periodic testing. On Oct. 9 there will be a 48-hour continuous pump test. Samples will be taken for chemical analysis and results from the testing lab should be available in two weeks. After the lab results are available, a report will be submitted to DEP. Kramer said that the well driller found water at a depth of 660 ft., and at a flow rate of 15 gallons/min (the desired flow rate).

Carpenito stated that the Commission should be careful to avoid damage to the wetlands in the future. Audience member Greg Peterson stated that the Orders of Conditions require an Environmental Monitor to present during work in wetlands. Kramer said that NOAH was under a lot of pressure to start well testing in order to meet a deadline; NOAH will have a construction manager at the site with a construction plan. Willard noted that the commission does not know the contractors who will be doing the work.

Willard stated that she had received a letter from the Army Corps of Engineers (ACE) regarding the Benfield project. The letter states that this work might require permitting by the ACE, but that ACE had not received a permit. Kramer said that NOAH is planning to contact ACE, but in Kramer's opinion the work will not require a permit since the area of wetland impacted is less than 5000 sq. ft.

9:30 – 10:1 PM New/Pending Business, continued

Carlisle Standard Order of Conditions - Willard stated that the commission's Standard Orders of Conditions have not been updated in many years and felt that they should be reviewed. She requested that a commissioner help her with revisions, and Brownrigg volunteered.

OS&R 5-year goals - Willard suggested adding a goal that conservation land boundaries be surveyed. Commission members were in agreement.

Board of Health Lyme Disease Subcommittee update - Subcommittee member Tatistcheff reported on their activities. The committee will host medical students at the end of October in order to survey residents who have or have had Lyme disease, and also survey areas for ticks. On Oct. 2, there will be a discussion of Lyme disease at the Carlisle Library hosted by the Council on Aging. Medical students from Tufts University will be testing areas in Carlisle and Lincoln for tick densities. Tatistcheff would like to include a survey of Lyme infection rates of ticks, but this would be costly. Brownrigg noted that it would be interesting to collect ticks from different habitats, e.g. fields, forests, and shrub lands, to determine those habitats favored by ticks. Guarino thanked Tatistcheff for her participation on the subcommittee.

At 10:15 PM, Burn moved to close the meeting, Brownrigg seconded the motion and all voted in favor.

Minutes respectfully submitted by Tom Brownrigg.